

Kelly - central, I'm sure, is on the way

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99284

February 5, 1990

The Hon. John Glenn
Room 503 - Hart Senate Office Bldg.
Washington, D.C. 20510

Re: The Skinner Landfill
Your No. 5RA-14

Dear Senator Glenn:

Thank you for sending to me the letter dated January 16, 1990, from Valdas V. Adamkus, Regional Administrator of the U.S.E.P.A.

Mr. Adamkus' letter perfectly illustrates the problems we have brought to your attention. Thus:

(1) He admits that in 1976 (that's over 14 years ago) his agency became aware that hazardous waste was being dumped at the Skinner site and, although his investigation revealed that no nerve gas, mustard gas, incendiary bombs or explosive devices were stored there, as the owners had claimed, there was, at least, cyanide ash, phosphorus and used flame throwers on the site.

(2) It took the U.S.E.P.A. nine years to start its feasibility study in March, 1985. Mr. Adamkus' letter says that completion of the study is due in Fall, 1990. I would guess that an agency really interested in resolving this issue could, somehow, have completed the study in less than 5-1/2 years.

(3) One would think that a recalcitrant site owner, who interfered with access to the property could, somehow, be forced to permit access. It is, however, not really encouraging to read in Mr. Adamkus' letter "U.S.E.P.A. has issued an administrative order to gain access and to cease interference with the field work and plans to issue a second order." How many orders must U.S.E.P.A. issue before it can get access?

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U. S. EPA REGION 5
OFFICE OF REGIONAL ADMINISTRATOR

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(4) It does not give one the sense that this agency is really interested in enforcement to learn from Mr. Adamkus that it has taken 13 years before a "Phase I Remedial Investigation Report" has been prepared and that this long overdue effort has yielded only "preliminary indications".

*Would not
most
people
be glad
to hear
this*

(5) Mr. Adamkus states "This site's current condition 'does not warrant any emergency action;' that the problem of ground water contamination is not really threatening; that "nearby residential water supplies do not appear impacted (sic)" and that "additional work is necessary to further characterize the lagoon..." The writer, we assume, is the same Mr. Adamkus who promulgated the Environmental News Release on October 3, 1987 (Exhibit 3 to my November 30 letter to you) in which it is proudly announced:

U.S.E.P.A. Region 5 Administrator Valduis V. Adamkus issued an administrative order requiring the owners of the Skinner Landfill in West Chester, Ohio to allow U.S.E.P.A. access to the site without interference. The order issued on September 24, 1987 also prohibits the owners from further dumping in areas to be studied by U.S.E.P.A.

In December 1982, U.S.E.P.A. placed the site on the Superfund National Priorities list. In March 1986, a remedial investigation/feasibility study was initiated to study the nature and extent of contamination, and evaluate possible remedies for the site. Beginning in April 1987, the owners of the landfill piled concrete and metal materials on top of areas designed for study using U.S.E.P.A.'s remedial investigator. The materials prevented U.S.E.P.A. from entering the field work necessary to complete the remedial investigation. If the owners fail to comply with the administrative order, a court may enforce the order and assess civil penalties up to \$25,000 a day for each day of non-compliance.

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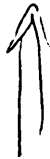
So, despite the brave words in the October, 1987 news release, two more years have elapsed and U.S.E.P.A. still has not had access and now has plans only to issue another order.

(6) Considering the record of the agency charged with enforcement of environmental protective laws, we are not left with much confidence to read from Mr. Adamkus' recent letter to you: "The additional work is on-going. U.S.E.P.A. will then proceed into a feasibility study (f.s) that evaluates alternatives to remedy potential problems." Isn't that almost the same language used in the 1987 news release to describe what had been done then?

In summary then: (a) six years after the first investigation, the site was, in 1982, placed on the Superfund National Priorities List because of the immediate danger posed by the site; (b) four years later, in 1986, a "remedial investigation/feasibility study was initiated to study the nature and extent of contamination, and evaluate possible remedies for the site" (October 1987 news release); (c) in 1987 the owners interfered with the investigation and were warned of a possible \$25,000 per day fine; and now Mr. Adamkus represents in his letter to you that although the site was put on the National Priorities List in 1982, it really isn't so bad, after all, and more studies must be initiated.

As I read this file, I am more than ever impressed with the accuracy of the June 22, 1988 letter from the Ohio EPA Project Coordinator (Ex. 6 to my November 30 letter to you) to U.S.E.P.A. complaining of the "poor quality" of the U.S.E.P.A. work; of the propensity on the part of U.S.E.P.A. to address problems "by simply deleting a table or a particular statement in the report to avoid having to properly address the... concern"; accusing U.S.E.P.A. of having never conducted on the site "a private well sampling"; and of employing sample techniques that were "abominable".

Apparently Mr. Adamkus is now employing the same techniques in responding to you of which the Ohio EPA complained; now, he tells you that the emergency declared 8 years ago, when the site was placed on the Priorities List, is really not so urgent, after all. Well, that's one way for a government administrator to resolve a problem once found to be urgent: don't do anything, and then, after 8 years has elapsed, simply declare the emergency no exists.



Is he talking about the same site?

True? New contract?

I do not know the source of this confusion.

we never sampled there

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Apparently, Senator Glenn, nothing will be done by U.S.E.P.A. to remedy this serious environmental problem unless you or someone forces action by this agency. Will you help?

Very truly yours,



Albert H. Neman

AHN:mas

cc: Valdas V. Adamkus
Jan Denney

09:11-22,27/mas

- Clarify,

1982 NPL ⇒ emergency; dangerous

Current ⇐ emergency